

Description	County Planning Board July 14, 2009		
Date	07/14/2009	Location	County Planning
Time	Speaker	Note	
6:04:08 PM	President Kerry White	Call to Order. Members Present: Kerry White, Marianne Jackson Amsden, C.B. Dormire, Don Seifert, Mike McKenna, Gail Richardson, Julien Morice, Susan Kozub, Pat Davis and Byron Anderson. Staff Present: County Administrator Earl Mathers, Interim Planning Director Sean O'Callaghan, Planners Randy Johnson, Warren Vaughan, Chris Scott and Ada Montague; and Recording Secretary Glenda Howze.	
6:04:22 PM	President Kerry White	Public Comment.	
6:04:36 PM		There was no public comment on matters not on the agenda.	
6:04:40 PM	President Kerry White	Approval of June 23, 2009 Minutes.	
6:04:45 PM		The minutes stand approved as presented.	
6:04:54 PM	President Kerry White	Planning Department Update.	
6:05:51 PM	Sean O'Callaghan, Interim Planning Director	Noted that the monthly update will be distributed at the last meeting of the month. Distributed a memo regarding the FY 2010 budget and suggested possible modifications to the budget that would still allow the Planning Board's priorities to be completed.	
6:10:31 PM	Warren Vaughan, County Planner	Noted that [at the July 28th meeting] the Four Corners plan will come before the Board for a recommendation.	
6:10:50 PM		Discussion between the Board and staff on update items.	
6:11:28 PM	Mike McKenna	Inquired about the legislative update that was previously requested. [Mr. O'Callaghan stated that the Planning Department has this on the list of things to do and will get it done as soon as possible.]	
6:12:49 PM	Randy Johnson, County Planner	Noted that the application activity is continuing with an average of 5-10 applications a week. Starting in July the monthly report will included a fiscal year to date total as well as the monthly statistics.	
6:14:07 PM	Ada Montague	Noted that the Gallatin County Interconnect group recently received some grant funding from Montana PBS and their Blue	

		Print America effort. With that financing we are putting together two public outreach efforts. One is to go around the County without a car and find out all sorts of information from the communities in the various legs. Many user groups are participating in Challenge. The event is taking place from the 20th to the 24th. Additional participants are welcome. The other public outreach will be eight round table discussions in August. They will be held in eight different segments of the community with all of the stakeholders involved.
6:17:21 PM	Marianne Jackson Amsden	Made note of the Interconnect Challenge - the routes and type of travel mechanisms that will be used.
6:20:08 PM	President Kerry White	Regular Agenda.
6:20:10 PM		a. Decision on a Resolution of the Gallatin County Planning Board to provide funding for the inventory of existing Parks and Trails.
6:20:39 PM	Mike Harris, Open Lands Coordinator	Presentation.
6:22:16 PM		Board discussion and questions with staff regarding the budget and the impact of this payment on the budget.
6:23:01 PM	Earl Mathers, County Administrator	Explained that the money has carried forward and it can be paid from either fiscal year with the same impact.
6:23:52 PM		Continued board discussion and questions with staff regarding the budget and the impact of this payment on the budget.
6:25:36 PM	Byron Anderson	Suggested that this money should come out of the transfer of funds to the Planning Department.
6:26:57 PM	Public Comment	There was no public comment.
6:27:23 PM	Mike McKenna	I move that we allocate the money.
6:27:32 PM	Gail Richardson	Second
6:27:36 PM		Board discussion.
6:27:41 PM		Discussion about where this payment should come from, which fund, within the budget. Line items 350, 390 and 820 were suggested.
6:29:44 PM	Marianne	Requested that the motion be amended to note that it is Resolution

	Jackson Amsden	PB-2009-05.
6:29:59 PM		The motion and second agreed to the amendment.
6:30:05 PM	Don Seifert	Asked if the GIS person hired by the Planning Department would have completed this work if they were on staff at the time.
6:30:42 PM	Mike Harris, Open Lands Coordinator	No, this was data collection was done by a temporary person who did a physical inventory. The money that was transferred into Planning for the GIS person was taken from Title III PILT monies.
6:31:35 PM	Mike McKenna	Wherever we placed the request in the budget last year is where we should put it this year.
6:31:54 PM	President Kerry White	This was placed in the 390 account and the 350 account was reserved for wastewater. This came out of the GCI designated allotment.
6:32:20 PM	Mike Harris, Open Lands Coordinator	Clarified the questions by reading the original motion which allocated the funds from the 350 account (FY 2008 budget).
6:33:12 PM	Byron Anderson	Stated that we are we are talking about a motion that was made for a 2008 budget. The only monies that really exist from that budget are the monies that were transferred to the Planning Department.
6:33:31 PM		Discussion about the budget and the process for the carry over of funds.
6:34:04 PM	President Kerry White	Stated that he did go in front of the County Commission to argue to keep what the Planning Board had in its budget. We had increased our wastewater RFP by \$10,000 because the Commission increased our budget from \$185,000 to \$210,000. We also had the \$15,000 for Gallatin Gateway that we had put on there. What the Commission has done is increase our budget by \$35,000 and decreased it by \$45,000. Out of that decrease of \$10,000 is this additional \$2,000 and now we are down \$12,000 from our original request. Detailed his interpretation of the budget as it stands now with these changes and how much is available (or not available) for the Board priority projects. We did make this commitment but it is up to the Board on how we will handle this.
6:36:30 PM	Byron Anderson	This is where my problem comes in - the \$119,000 to be transferred to the Planning Department. If you look at the 10-year analysis I did on our budget that is a phenomenal increase over past years of transfer to the Planning Department at a time when there is not much going on in the County that the Planning Department is dealing with compared to the years when the transfer was very low. That, I have a problem with. I want to really take a hard look at why that is happening. We don't get any real

		justification for where those dollars go. We just make a transfer. I just don't feel like we are at a time in our economic situation in the nation, state, county that we actually have to tax the people the total amount allotment that we are allowed by the state mandate just because we can. If those monies aren't needed for running this board, then do we really need to do that? Every private business is cutting back; they are cutting back because they have to. Is local government supposed to operate in any different standard?
6:38:01 PM	Mike McKenna	I have a different take. I think is that we now have a chance to plan. In the last year we've had a chance to plan, yet our budget is cut back as far as the planning process is concerned. Whether we take it out of one category or another is irrelevant to me. I do think that we need to go back to the County Commissioners and ask them to look at our budget again so that we can do our job. We are going to be way in the hole on the planning work of our priorities. For me, I'm going to support the resolution and whatever category it comes out of is fine.
6:39:25 PM	President Kerry White	I personally think that Byron is right on. I made the argument in front of the Commission on behalf of the Board. I'm not going to support this resolution. It should have come out of last year, it should have already come out of our budget. It is just going to make all of the other things on our list that we want to accomplish harder to do or not be able to be done.
6:40:06 PM	Gail Richardson	I am supporting this because I feel like we have already said that we would do this. To renege on this money at this time when it was already passed in 2008 and to do so would set a terrible precedent. I personally don't want to be a part of that.
6:40:37 PM	C.B. Dormire	I don't think that the failure to pay the money is the fault of the Planning Board. It is the Commissions' job to take care of errors made by county personnel in carrying out administrative things. I agree with Gail that Mike [Harris] ought to get the money, the question is from where and I think that the right place is from the Commission.
6:41:26 PM	Mike McKenna	We allocated last year, there was a goof up, it didn't get paid, the work is done, therefore it should be paid. We still have a right to go in front of the Commission to argue on our budget.
6:41:43 PM		Vote: 5-4-1; Members White, Anderson, Seifert and Dormire opposed; Member Davis abstained.
6:42:17 PM		b. Discussion and confirmation of a decision to allocate \$15,000 to Gallatin Gateway Sewer and Water District.
6:42:30 PM	Earl Mathers, County	Presentation.

	Administrator	
6:47:29 PM	Public Comment	Matt Donnelly, Merle Adams, Terry Threlkeld
6:57:18 PM		Public comment was closed.
6:57:20 PM		Board discussion.
6:57:24 PM	Gail Richardson	I totally believe that the need is crucial for this to occur and to be able to come before the 2011 Legislature. I've also been on the wastewater subcommittee so I have an idea of the money aspect of all this. We have already voted 7-3 to fund this request for \$15,000. Once again it comes before us to see if we want to renege on something we've already done. Considering all of Earl's comments and also [the public comment], I strongly feel that we need to go on board reconfirming our vote. I will make a motion that we reconfirm our vote to allocate the \$15,000 to the Gallatin Gateway Water and Sewer District to help fund the preliminary engineering review.
6:58:55 PM	Marianne Jackson Amsden	Second.
6:59:14 PM	C.B. Dormire	Questioned why this item was coming before the Board again.
6:59:24 PM	President Kerry White	Explained that the Board had budget changes that depleted our budget in a significant way. Detailed the changes made by the County Commissioners to the proposed budget. I thought it was important to bring this back in front of the Board so that the we fully understand and are aware of our budget.
7:01:07 PM	C.B. Dormire	The changes in the budget that we didn't have then and still don't have, I don't see how they affect whether or not we had voted to recommend this to the Commission. It passed. Is what we are doing now considering whether we want to repeal that resolution? Isn't it effective? I think I voted no last time because I had questions about whether or not the matter met the guidelines the Commission might like to follow for giving money to water and wastewater districts. All three Commissioners responded to that discussion by memo suggesting that they didn't think we needed guidelines, we should decide each matter on its own merits. I guess that took care of that concern that I had. As for legal matters we never did hear back on that. I did informally talk to someone about that and I was assured that there was no legal difficulty in the County doing such things. What hasn't been discussed, that wasn't in that discussion and I haven't heard it discussed anywhere else, is whether it is a valid expenditure of Planning Board monies but that is a different thing. I guess the Commission has decided that it is. I

		have given up. I don't know how to gain any further understanding of what I consider is important so I have to assume that the Commission is doing things properly and since they are determined that this \$15,000 will be spent by somebody from somewhere and they control all of the County's expenditures anyway, I don't intend to vote no again but I'm not any happier about the process than I was before.
7:04:25 PM	Byron Anderson	Questioned when the meeting was held that resulted in the 7-3 vote on this matter [May 26]. I am going to vote against this. Not because I believe we shouldn't do it, I believe it has to happen. It is a no-brainer. We have to have the match funds, we have to take care of it. I am just that disillusioned about the whole budgeting process I'm not going to vote to spend any money until this thing is cleared up.
7:05:14 PM	Pat Davis	I voted for this the first time and I'm going to again. It is something that has to happen. Any of the water that comes from Gallatin Gateway flows all the way through the valley so I think it is very important.
7:05:35 PM	Susan Kozub	The severe neighborhood need is still there, the time constraints are even more pressing and I find it frustrating that we are revisiting this issue again and revamping the same exact arguments that we had last time. Is there anyone from the Board that feels that we should not approve this request and I'd love to hear the reasons why, otherwise I think we should move to a vote and move on with our agenda.
7:06:03 PM		Vote: 9-1; Member Anderson opposed.
7:06:51 PM		The Board took a brief dinner break.
7:18:46 PM		Meeting reconvened.
7:18:52 PM		c. Continuation of a Public Hearing and Decision on a Resolution Recommending to the County Commission that the Commission Adopt the North Gallatin Canyon Zoning Regulation and Zoning District Map.
7:19:10 PM	Warren Vaughan, County Planner	Opening statements, initial presentation and submittal of public comment received today from Linda Black, requesting removal from the district.
7:23:39 PM		Discussion and questions with staff regarding the Black's request for removal from the district and the remaining legal review that needs to be completed by the County Attorney's office.
7:27:40 PM	Mike McKenna	The concern that I have is that this document is being created because of billboards but this is a zoning document. This is more

		than just one thing. It is the beginning, which is fine, but it is more than one thing.
7:28:16 PM		Discussion and questions regarding specific notations on the map regarding the Black's property and the legal description listed in the draft regulation as it is affected by the potential removal of the Black property.
7:31:55 PM	Susan Achinapura	Application presentation and update. Stated that the planning group is fine with the removal of the Black property. 66 ballots have been returned with 65 in favor of the zoning regulation. Turner Enterprises has also expressed their support of the regulation via email.
7:33:36 PM	President Kerry White	Noted that the Planning Board members absent at the last meeting have listened to the recording of the last meeting which included the presentation and public comment on this item.
7:34:28 PM	Public Comment	Peter Scherfig
7:35:35 PM		Public comment closed.
7:35:42 PM		Board discussion.
7:36:17 PM		Discussion and questions between Board members, staff and Deputy County Attorney Jecyn Bremer regarding various areas of concerns within the regulation including but not limited to non-conforming use issues, zoning standards, extensions to existing permits, clarification suggestions, and questions regarding the overall intent of the regulation.
7:44:05 PM		Discussion and questions about what action the Board will be taking at this hearing tonight. The Board will either pass a recommendation to adopt the District, regulation and map or we'll vote not to support or recommend to the Commission they not adopt. The regulation and map can be passed with recommended changes.
7:45:42 PM		Continued discussion and questions between Board members, staff and Deputy County Attorney Jecyn Bremer regarding the overall template language in the document and why it is written in the fashion that it is and discussion on variance requests, appeals and non-conforming status issues.
7:50:33 PM	Don Seifert	I would like to move that we amend the map to remove the A.H. Black property.
7:50:51 PM	Gail Richardson	Second.
7:50:58 PM		Board discussion.

7:51:02 PM	Marianne Jackson Amsden	I wish we could include that section but I don't see how we can.
7:51:11 PM		Vote: 8-2; Members Anderson and Kozub opposed.
7:51:36 PM	Gail Richardson	I would like to move that we support the creation of the North Gallatin Zoning District and regulations to the County Commission with the caveat that legal review by the County Attorney's Office to clear up any language or legal issues that could be there.
7:52:13 PM	Mike McKenna	Second.
7:52:24 PM		Board discussion.
7:52:25 PM	Gail Richardson	I did listen to the tape of public comment and I was impressed that all the public comment was for this zoning, opposed to the sign. Again today the 65 of 66 ballots that have been received were in approval of this. I feel very strongly that the Gallatin Canyon is a very special place and should not be marred by these signs.
7:53:11 PM	Julien Morice	Questioned Warren about the land mass percentage that is represented in the 66 ballots received.
7:53:42 PM	Warren Vaughan, County Planner	Turner is the largest land owner, some of the land is Forest Service, some of the parcels are 5-10 acres, and then there are other parcels of larger size.
7:54:35 PM	Tom Reigelman	A substantial number of the large land holders have responded in the affirmative. Gave statistics on some of the larger landholders and noted their support of the district.
7:56:05 PM	Warren Vaughan, County Planner	The district is 5,592 acres, almost fifty percent of that acreage is owned by Turner Enterprises. Most of the changes [after tonight] that will be made are for clarity only, not substantive.
7:57:28 PM	Byron Anderson	I'm going to vote for this. I was adamant that we needed to do something last time in case something started to proceed forward. I feel bad about removing this piece of property, but if everyone feels that is what needs to happen then fine. My only question now is, because I always hate making a motion leaving something vague, is making sure that the proponents of this and the Planning Department pay good attention to what those things are so that they are not anything substantive to what we're passing today and I'd like to receive a copy of the finished product that will be presented to the County Commissioners.
7:58:53 PM	Marianne Jackson	I will be supporting this for all the reasons already stated. The agenda stated that we'd be making a decision on a resolution, do

	Amsden	we have a resolution number to approve?
7:59:06 PM	Warren Vaughan, County Planner	You don't have a resolution, that shouldn't be stated that way. For zoning districts you just make a recommendation.
7:59:18 PM	Don Seifert	I'm nervous voting for something in draft form and I'm glad that Gail made the motion pending full legal review. My concerns are not with the intent, my concerns are with the implementation of certain items in there particularly the non-conforming signs. I'm going to vote for it even though I really do hate to see things come before us in draft form.
8:00:02 PM	President Kerry White	I'm not sure that the regulation sent out to the members, property owners in the District, a lot of letters that have come in, I'm not sure when the draft turns into the final document that the people that read this draft if it is the same document. I'm not so sure about the legalities of that. When I see a lot of these letters that have come back in to the property owners up there and to the folks that have gone through this whole process and put a lot of time and energy into it - the zoning was created to remove the sign, the billboard. But, if it turns out that the regulation is not able to remove the billboard or the sign, then I wonder what these folks that wrote these letters fully expecting the regulation to remove the sign, I wonder if they would still support zoning and all these regulations in the canyon. They might just be heartbroken. I'm going to vote for the motion because Gail had added that in there that we will get full legal review and I don't think we are going to get a lot of substantial changes to the document.
8:01:55 PM		Vote: Unanimous.
8:02:29 PM		This item goes before the County Commission on August 12th, 1:30PM.
8:03:42 PM	C.B. Dormire	Made comments to the proponents regarding the severability clause in the regulation.
8:05:38 PM		d. Public Hearing and Recommendation to the County Commission Regarding Transportation Related Amendments to the County Subdivision Regulations.
8:06:06 PM	Christopher Scott, County Planner	Presentation.
8:22:18 PM		Discussion and questions between Board and staff regarding the improvements agreement, the page numbers, and the inclusion (or lack of inclusion) of the Planning Board subcommittee's report.

		The Board requested that the subcommittee report be included in the history as well as a copy of the report placed in the Commission packets as an exhibit or a summary of the report included in the staff report similar to other public comment.
8:30:23 PM	Marianne Jackson Amsden	Stated to Chris that he has done an excellent job on this document, commended his efforts as well as those of the Planning Board members who worked on this. Stated that her concerns stated in previous meetings have been addressed.
8:31:35 PM	Public Comment	Terry Threlkeld, R. Dale Beland, Verne House
8:48:57 PM		[Dale Beland suggested a definition of "Municipality Planned Area" be added to the regulation. *This was later incorporated into the motion for recommendation of approval to the County Commission.]
8:58:06 PM		Public comment closed.
8:58:14 PM	Mike McKenna	Report from Transportation Subcommittee.
9:00:41 PM	C.B. Dormire	Continued report from the Transportation Subcommittee.
9:03:46 PM	Marianne Jackson Amsden	I would be ready to make a decision tonight to recommend adoption with the Planning Board minor changes [Exhibit C] along with Dale's recommendation to add a definition; that seems harmless and might save some trouble down the road. Before that I'd like someone to address Mr. Threlkeld's requests.
9:05:45 PM	Byron Anderson	After all the time we've spent on this, if none of the committee members have a problem with the final draft other than addressing public comment so that we could suggest amendments, and I'd like to hear staff's comments and feedback on the public comment, I'm ready to vote.
9:06:48 PM	President Kerry White	I totally agree. I commend this committee and everything they've done. This is a very comprehensive, well written document. I commend the staff, Chris and Randy and the development committee for their participation and Mike for bringing it all about. I would like to hear from staff on the comments made by Terry. I don't think there is a problem with including the definition as suggested by Dale. The committee has had unanimous support for the document. As soon as we hear from staff on the public comment I'd like to move forward with a motion. The Commission has a lot of enthusiasm for getting this passed as soon as possible. There are a lot of things in the development community that are also waiting for these regulations to be put in place.
9:09:23 PM	Randy	Addressed some of the issues raised by Mr. Threlkeld, giving

	Johnson, County Planner	further explanation than that provided in Exhibit B as to why the development community recommendations are not feasible in the regulation.
9:14:01 PM	President Kerry White	Supported the determinations of staff to require 100 feet of paving off an existing paved collector or arterial as determined by the County Road Department to be needed and gave examples of why this is a good idea.
9:15:25 PM		Discussion between the Board and staff on how the 100 feet requirement will impact other areas and roads in the County. These regulations apply only when subdividing property.
9:21:06 PM	Chris Scott, County Planner	Addressed additional issues raised by Mr. Threlkeld, giving further explanation than that provided in Exhibit B as to why the development community recommendations are not feasible in the regulation.
9:22:56 PM		Clarification discussion regarding the layout of the development community suggestions and staff reactions, how the document is to be read and interpreted.
9:23:20 PM	Chris Scott, County Planner	Continued addressing various issues raised during public comment.
9:30:46 PM	Randy Johnson, County Planner	Suggested that he could ask Road and Bridge Superintendent Lee Provance and Staff Engineer George Durkin to attend the County Commission hearing to further answer questions regarding some of the regulation that was suggested by the Road Department.
9:31:13 PM	Marianne Jackson Amsden	I would like to make a motion that we recommend to the County Commission the adoption of these transportation related amendments, including Exhibit C. The draft we are recommending to them includes the Planning Board committee minor changes. In addition the Planning staff formulate a definition as was requested by Dale Beland at this hearing. Also, that the Planning Department staff report that is forwarded to the commission include in its background the efforts of the committee and specifically the report that the committee wrote and submitted to the Planning Department and Planning Board in January 2009 with comments as to why or why not certain things were included similarly to how it was done for the engineering community.
9:33:00 PM	Don Seifert	Second.
9:33:06 PM		Board discussion.
9:33:09 PM	Marianne Jackson Amsden	I did want to point out specifically in Section 9 on the community impact report under roads, I'm thrilled that the staff included the subcommittee's recommendations to include "Road improvements

		may included Trails needed to accommodate existing historic non-motorized road uses." I feel like that is a big issue for our County as it continues to grow, that we maintain some of our rural lifestyle and recreation ability.
9:33:54 PM	Don Seifert	For the record I'd like to thank the committee for their work and the staff as well and the engineers and development group. A lot of thought and time and effort went into this and you did a great job.
9:34:36 PM		Vote: Unanimous
9:34:57 PM	Mike McKenna	The number one driving force as far as the subcommittee is concerned was C.B. Offered thanks to C.B. for all of his work.
9:35:36 PM	President Kerry White	Other Business.
9:37:58 PM	Chris Scott, County Planner	Stated that the Transportation Regulations will be before the County Commission on July 28th. Also noted his appreciation to the subcommittee and Planning Board for their volunteer time and insight on this project. Stated that this is a good document that the County Commission will most likely adopt with little or no changes.
9:38:31 PM	Mike McKenna	Addressed the minutes from the last meeting when Glenda reported on the Commission's response to the Planning Board's request for criteria to use when considering funding requests. Asked that this item be discussed at a future meeting. Also stated that if the Board doesn't understand its budget and how we're being impacted, we need to. We need to go before the Commission at their hearings or we're going to end up with a shortfall.
9:39:59 PM	President Kerry White	Everyone got the memorandum dated May 21, 2009 from Randy Johnson and Earl Mathers regarding the County Commission's priorities. There are things on the priority list that the Commission has not given us the funds to address. This is a problem.
9:41:27 PM		Meeting adjourned.